

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

DANIEL J. WILSON, and ANGELA L.)
LAGROSS-WILSON,)
)
Plaintiffs,)
)
v.)
)
FAY SERVICING, LLC, and)
WILMINGTON TRUST, NATIONAL)
ASSOCIATION, NOT IN ITS)
INDIVIDUAL CAPACITY BUT)
SOLELY AS TRUSTEE FOR MFRA)
TRUST 2014-2,)
)
Defendants.)

Civil Action No. 1:18-cv-12191-FDS

**JOINT NOTICE REGARDING ISSUANCE OF DECISION IN
THOMPSON v. JPMORGAN CHASE BANK, N.A.**

Now Come Plaintiffs Daniel and Angela Wilson (“Plaintiffs”) and Defendants Fay Servicing, LLC, and Wilmington Trust, National Association, Not in its Individual Capacity but Solely as Trustee for MFRA Trust 2014-2 (“Defendants”) (collectively, the “Parties”) and hereby file this Joint Notice to inform the Court of the November 25, 2020 decision issued by the Massachusetts Supreme Judicial Court (“SJC”) in *Mark R. Thompson & another v. JPMorgan Chase Bank, N.A.*, SJC-12798 (“Thompson Decision”).¹ A copy of the Thompson Decision is attached hereto for reference as **Exhibit 1**. Therein, the SJC held (thereby answering a question certified by the First Circuit) that language included in a hybrid G.L. c. 244, § 35A and Paragraph 22 notice that was required by the Massachusetts Division of Banks did not render the notice inaccurate or deceptive such to void foreclosure. *See* Thompson Decision, pp. 3-4, 10-16.

¹ This case was stayed at the Parties’ request pending a resolution of *Thompson*. *See* ECF Nos. 22 (Joint Motion) and 23 (Order granting Joint Motion).

Counsel for the Parties have conferred after the issuance of the Thompson Decision but disagree on the appropriate course of action for this case in light of that decision. Counsel are prepared to discuss the same at the December 22, 2020 status conference.²

Respectfully submitted,

Plaintiffs,
By their Attorney,
Todd S. Dion, Esq.

/s/ Todd S. Dion

Todd S. Dion, Esq. (659109)
15 Cottage Avenue, Ste 202
Quincy, MA 02169
401-965-4131 Phone
401-270-2202 Fax
toddsdion@msn.com

-and-

Fay Servicing, LLC, and Wilmington Trust,
National Association, Not in its Individual
Capacity but Solely as Trustee for MFRA
Trust 2014-2,

By their attorneys,

/s/ Christine M. Kingston

Kevin P. Polansky (BBO #667229)
kevin.polansky@nelsonmullins.com
Christine M. Kingston (BBO #682962)
christine.kingston@nelsonmullins.com
Nelson Mullins Riley & Scarborough LLP
One Financial Center, 35th Floor
Boston, MA 02111
(617) 217-4700
(617) 217-4710 (fax)

Dated: November 30, 2020

² Defendants note that, in the event the stay is lifted, Plaintiffs have a pending motion to amend (*see* ECF No. 19). In the Joint Motion to Stay, Defendants requested 14 days from the lifting of the stay to oppose the motion (*see* ECF No. 22, ¶ 5).

CERTIFICATE OF SERVICE

I, Christine M. Kingston, hereby certify that this document filed through the ECF system will be sent electronically all registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants on this date including plaintiffs.

Dated: November 30, 2020

/s/ Christine M. Kingston